IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1260 OF 2005

Maharashtra State Road
Transport Corporation ... Petitioner

V/s.

Ayubkhan Gulabkhan Pathan ... Respondent

Mr.G.D. Karmalkar for Petitioner

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **MARCH 30, 2005**

P.C.:

. This Petition challenges the orders passed by the Labour Court in complaint (ULP) No.356 of 1996 and by the Industrial Court in Revision Application No.34 of 2002. The Labour Court has held that there is an unfair labour practice committed by the Respondent and has, therefore, directed reinstatement with continuity of service and full backwages. The Labour Court has also permitted the Petitioner to inflict any other punishment besides the punishment of dismissal or discharge from service. The Industrial Court in revision has considered the order of the Labour Court and has rejected the revision application.

2. The Industrial Court, in my view, has rightly considered the fact that the respondent-workman had remained absent for a period of 27 days and dismissal would not be a proportionate punishment for the absence which misconduct is of a minor and technical nature.

3. The powers of the Industrial Court are circumscribed by section 44 of the MRTU & PULP Act. I see no reason to interfere with either the findings of the Labour Court or the Industrial Court which are not at all perverse. The Petition is, therefore, rejected.